

**STATE OF MICHIGAN
IN THE SUPREME COURT**

IN THE MATTER OF:

Docket No. 127453

HON. MICHAEL J. HALEY
Judge, 86th District Court
328 Washington Street
Traverse City, Michigan 49684

Formal Complaint No. 77

PAUL J. FISCHER (P35454)
Judicial Tenure Commission
211 W. Fort Street, Suite 1410
Detroit, MI 48226
(313) 256-9104

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**RESPONDENT'S PETITION TO REJECT THE JUDICIAL TENURE
COMMISSION'S DECISION AND RECOMMENDATION**

Respondent, the Honorable Michael J. Haley, petitions this Court under MCR 9.224(A) to reject the Judicial Tenure Commission's recommendation for order of discipline, and to dismiss all of the Judicial Tenure Commission's charges against him. In support of his petition, Respondent relies on the attached brief, and further states:

1. The Master correctly evaluated the legal and factual issues presented in this case, and his Report should be adopted by this Court in its entirety.
2. The Commission erroneously concluded that Respondent was guilty of misconduct.
3. The public censure recommended by the Commission is unduly harsh and disproportionate to the alleged misconduct found and the punishment imposed in similar cases decided by this Court.
4. The JTC proceedings violated Judge Haley's due process rights. The Commission was not an impartial decisionmaker. The combination of investigative, prosecutorial and adjudicative functions in the JTC has given rise to an actual risk of unfair bias against Judge Haley.
5. The JTC decision violates substantive due process.

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6. Judge Haley requests oral argument.

7. Filed herewith is a supporting brief.

WHEREFORE, Respondent, 86th District Court Judge Michael J. Haley asks this Court to reject the Judicial Tenure Commission's Decision and Recommendation, adopt the Master's Report, and order that no discipline be imposed. In the alternative and in the event the Court accepts the Judicial Tenure Commission's decision and as the Commission found misconduct and concluded that a private sanction cannot be imposed, Respondent asks the Court to reject the dissenting commissioners' recommended punishment and impose a fair and proportionate sanction.


Honorable Michael J. Haley

Subscribed and sworn to before me this
10th day of OCTOBER, 2005


NOTARY PUBLIC - COLLEEN A. ROCKER
GRAND TRAVEL County, Michigan
My commission expires: 8-9-2007

COLLINS, EINHORN, FARRELL
& ULANOFF, P.C.

By: 

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Dated: October 7, 2005
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